

By: Pickett, Driver, Giddings, Guillen,
et al.

H.B. No. 157

Substitute the following for H.B. No. 157:

By: Driver

C.S.H.B. No. 157

A BILL TO BE ENTITLED

AN ACT

relating to a silver alert for missing senior citizens.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. SILVER ALERT FOR MISSING SENIOR CITIZENS

Sec. 411.381. DEFINITIONS. In this subchapter:

(1) "Alert" means the statewide silver alert for missing senior citizens developed and implemented under this subchapter.

(2) "Local law enforcement agency" means a local law enforcement agency with jurisdiction over the investigation of a missing senior citizen.

(3) "Senior citizen" means a person who is 65 years of age or older.

Sec. 411.382. SILVER ALERT FOR MISSING SENIOR CITIZENS. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement a statewide silver alert to be activated on behalf of a missing senior citizen.

Sec. 411.383. ADMINISTRATION. (a) The director is the statewide coordinator of the alert.

(b) The director shall adopt rules and issue directives as

1 necessary to ensure proper implementation of the alert. The rules
2 and directives must include:

3 (1) the procedures to be used by a local law
4 enforcement agency to verify whether a senior citizen:

5 (A) is missing; and

6 (B) has an impaired mental condition;

7 (2) a description of the circumstances under which a
8 local law enforcement agency is required to report a missing senior
9 citizen to the department; and

10 (3) the procedures to be used by an individual or
11 entity to report information about a missing senior citizen to
12 designated media outlets in Texas.

13 Sec. 411.384. DEPARTMENT TO RECRUIT PARTICIPANTS. The
14 department shall recruit public and commercial television and radio
15 broadcasters, private commercial entities, state or local
16 governmental entities, the public, and other appropriate persons to
17 assist in developing and implementing the alert.

18 Sec. 411.385. DUTIES OF TEXAS DEPARTMENT OF TRANSPORTATION.
19 The Texas Department of Transportation shall:

20 (1) cooperate with the department and assist in
21 developing and implementing the advisory; and

22 (2) establish a plan for providing relevant
23 information to the public through an existing system of dynamic
24 message signs located across the state.

25 Sec. 411.386. NOTIFICATION TO DEPARTMENT OF MISSING SENIOR
26 CITIZEN. (a) A local law enforcement agency may notify the
27 department if the agency:

1 (1) receives notice of a missing senior citizen;

2 (2) verifies that at the time the senior citizen is
3 reported missing;

4 (A) the person reported missing is 65 years of
5 age or older;

6 (B) the senior citizen's location is unknown;

7 (C) the senior citizen's domicile is in Texas;
8 and

9 (D) the senior citizen has an impaired mental
10 condition; and

11 (3) determines that the senior citizen's disappearance
12 poses a credible threat to the senior citizen's health and safety.

13 (b) The local law enforcement agency shall:

14 (1) require the family or legal guardian of the
15 missing senior citizen to provide documentation of the senior
16 citizen's impaired mental condition to verify the condition as
17 required by Subsection (a)(2)(D); and

18 (2) as soon as practicable, determine whether the
19 senior citizen's disappearance poses a credible threat to the
20 senior citizen's health and safety for purposes of Subsection
21 (a)(3).

22 Sec. 411.387. ACTIVATION OF SILVER ALERT. (a) When a local
23 law enforcement agency notifies the department under Section
24 411.386, the department shall confirm the accuracy of the
25 information and, if confirmed, immediately issue an alert under
26 this subchapter in accordance with department rules.

27 (b) In issuing the alert, the department shall send the

1 alert to designated media outlets in Texas. Following receipt of
2 the alert, participating radio stations, television stations, and
3 other media outlets may issue the alert at designated intervals to
4 assist in locating the missing senior citizen.

5 Sec. 411.388. CONTENT OF SILVER ALERT. The alert must
6 include:

7 (1) all appropriate information that is provided by
8 the local law enforcement agency and that may lead to the safe
9 recovery of the missing senior citizen; and

10 (2) a statement instructing any person with
11 information related to the missing senior citizen to contact a
12 local law enforcement agency.

13 Sec. 411.389. TERMINATION OF SILVER ALERT. (a) The
14 director shall terminate any activation of the alert with respect
15 to a particular missing senior citizen not later than the earlier of
16 the date on which:

17 (1) the missing senior citizen is located or the
18 situation is otherwise resolved; or

19 (2) the notification period ends, as determined by
20 department rule.

21 (b) A local law enforcement agency that locates a missing
22 senior citizen who is the subject of an alert under this subchapter
23 shall notify the department as soon as possible that the missing
24 senior citizen has been located.

25 SECTION 2. This Act takes effect September 1, 2007.